

Notice of Allowability

Application No.

09/691,324

Examiner

Kenny Lin

Applicant(s)

SCHAECK, THOMAS

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2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/5/2005.
2. ☒ The allowed claim(s) is/are 1 and 3-17 now renumbered as 1-16.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date hereto.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/22/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/14/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. Claims 1 and 3-17 are presented for examination. Claim 2 is withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Boice, Reg. No. 44,545 on July 14, 2005.

3. The application has been amended as follows:
 1. (Currently Amended) A system for communication with a mobile data processing device by way of a mobile software agent, said system comprising:
 - means for transmitting the mobile software agent;
 - means for spreading the mobile software agent from an originating system via a network to one or more destination systems;
 - means for running the mobile software agent; and
 - means for communicating, including a mobile software agent interface component for communicating with the mobile software agent, and a mobile data processing device interface component, for communicating with the mobile data processing device; wherein the mobile software agent includes an event-handling component to handle events communicated via the

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mobile data processing device interface component relating to the status of the mobile data processing device; a recognition component to recognize the destination system; an execution component to run on the destination system; a classification component to classify the mobile data processing device; ~~[[and]]~~ one or more action components to perform specific actions on the mobile data processing device dependent on results from the classification component; a checkback component for checking back to the originating system or to other mobile software agents indicating whether installation on the one or more destination systems or the action being performed on the mobile data processing device succeeded or failed; a replication component for producing a copy of the mobile software agent for distribution to other destination systems; a merger component for merging several mobile software agents having like tasks into a single merged mobile software agent; and a self-termination component for terminating the mobile software agent after a preset life span or a defined event.

2. (Canceled)

15. (Currently Amended) A method for communication with a mobile data processing device by way of a mobile software agent, wherein the mobile data processing device is addressable via a network, said method comprising the steps of:

creating a mobile software agent;

spreading the mobile software agent across the network into one or more systems from an originating system;

delivering information to a software agent interface component for each of the systems for reception of mobile software agents from the network, including information for making migration or installation decisions;

evaluating the delivered information;

for each of the systems, installing the mobile software agent on the system if it is determined that the mobile software agent is intended for the system;

establishing a communication link between the mobile software agent and the mobile data processing device via a mobile data processing device interface component of the system;

classifying the mobile data processing device on establishment of a connection between the mobile data processing device and the mobile data processing device interface component; [[and]]

performing actions of the mobile software agent on the mobile data processing device via the mobile data processing device interface component dependent on results of said classifying step[[.]];

checking back to the originating system or to other mobile software agents indicating whether installation on the one or more systems or the action being performed on the mobile data processing device succeeded or failed;

producing a copy of the mobile software agent for distribution to other systems;

merging several mobile software agents having like tasks into a single merged mobile software agent; and

terminating the mobile software agent after a preset life span or a defined event.

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17. (Currently Amended) A computer ~~Computer~~ readable code stored on an originating system for permitting communication with a mobile data processing device by way of a mobile software agent, wherein the mobile data processing device is addressable via a network, said computer readable code comprising:

first subprocesses for spreading the mobile software agent across the network into one or more systems from the originating system;

second subprocesses for delivering information to a software agent interface component of each of the systems for reception of mobile software agents from the network, and including information for making migration or installation decision;

third subprocesses for evaluating the delivered information;

fourth subprocesses for installing the mobile software agent on the one or more systems if it is determined that the mobile software agent is intended for the one or more systems;

fifth subprocesses for establishing a communication link between the mobile software agent and the mobile data processing device via a mobile data processing device interface component of the system;

sixth subprocesses for classifying the mobile data processing device on establishment of a connection between the mobile data processing device and the mobile data processing device interface component; [[and]]

seventh subprocesses for performing actions of the mobile software agent on the mobile data processing device via the mobile data processing device interface component dependent on results of the classification of said sixth subprocesses[.];

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eighth subprocesses for checking back to the originating system or to other mobile software agents indicating whether installation on the one or more systems or the action being performed on the mobile data processing device succeeded or failed;

ninth subprocesses for producing a copy of the mobile software agent for distribution to other systems;

tenth subprocesses for merging several mobile software agents having like tasks into a single merged mobile software agent; and

eleventh subprocesses for terminating the mobile software agent after a preset life span or a defined event.

4. The following is an examiner's statement of reasons for allowance: None of the prior art cited of record fairly teaches or suggests all of the limitation of the invention specially the limitations of a replication component for producing a copy of the mobile software agent for distribution to other destination systems; a merger component for merging several mobile software agents having like tasks into a single merged mobile software agent; and a self-termination component for terminating the mobile software agent after a preset life span or a defined event. Although reference Minami discloses the above limitations, Minami is an issued patent commonly assigned with the current application. Therefore, Minami is not a valid prior art for obviousness rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Allowable Subject Matter

5. Claims 1 and 3-17 are allowed. Claim 2 is canceled.

Drawings

6. The drawings are objected to because figure 2 contain foreign language that is not translated. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Information Disclosure Statement

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7. The information disclosure statement filed 2/22/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no translations to the Japanese non-patent literatures are provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl

July 15, 2005 ~~July 14, 2005~~

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